

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

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IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L001809

CYNTHIA SARTIN,)
)
Plaintiff,)
)
vs.)
) Case No. 2021L001809
UNION PACIFIC RAILROAD COMPANY)
)
Defendant.)

COMPLAINT

Plaintiff CYNTHIA SARTIN, by and through her attorneys BURNES | LIBMAN LAW GROUP, complaining of the Defendant UNION PACIFIC RAILROAD COMPANY, a foreign corporation, states as follows:

1. At all relevant times herein, UNION PACIFIC RAILROAD COMPANY (henceforth, "UNION PACIFIC") was a foreign corporation doing business in the State of Illinois as a freight-hauling railroad in the City of Chicago, County of Cook and State of Illinois.
2. On March 8, 2019, Plaintiff CYNTHIA SARTIN was operating a motor vehicle westbound on 130th Street at or near Eberhart over railroad tracks owned and maintained by UNION PACIFIC in the City of Chicago, County of Cook and State of Illinois.
3. On and prior to March 8, 2019, UNION PACIFIC knew or should have known of that the railroad tracks at or near Eberhart on westbound 130th were in a dangerous condition due to potholes and other irregularities under the railroad tracks which were created by UNION PACIFIC locomotives using the railroad tracks.
4. At all relevant times herein, UNION PACIFIC, by and through its employees, owed CYNTHIA SARTIN, a duty to maintain the railroad tracks in a safe condition so as not to endanger CYNTHIA SARTIN and the motoring public.

5. On and before March 8, 2019, UNION PACIFIC, by and through its employees breached the aforesaid duty to exercise ordinary care by committing one or more of the following acts and omissions:

- a. Carelessly and negligently created potholes and other irregularities on the railroad tracks making it unsafe to drive a motor vehicle over the railroad tracks.
- b. Carelessly and negligently failed to inspect the railroad tracks for dangerous potholes and other irregularities.
- c. Carelessly and negligently failed to establish and implement adequate inspection procedures.

6. As a proximate cause of one or more of the aforesaid acts and omissions, Plaintiff CYNTHIA SARTIN's motor vehicle bottomed out while crossing the railroad tracks and Plaintiff CYNTHIA SARTIN suffered injuries and damages.

WHEREFORE, Plaintiff CYNTHIA SARTIN prays for judgment in favor of Plaintiff and against Defendant UNION PACIFIC RAILROAD COMPANY, for an amount in excess of \$50,000.00 plus costs of suit.

CYNTHIA SARTIN

By: /s/Scott Norris
One of Plaintiff's Attorneys

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 Defendants.)

AFFIDAVIT OF DAMAGES SOUGHT

Pursuant to Illinois Supreme Court Rule 222(b), the undersigned attorney for the Plaintiff states that the total of money damages sought per Plaintiff in this civil action does exceed FIFTY THOUSAND DOLLARS (\$50,000.00).

/s/Scott Norris

Attorney for Plaintiff

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